

Brandon Eugene Hunter

Name and Prisoner/Booking Number

Sacramento Main Jail

Place of Confinement

651 "I" Street

Mailing Address

Sacramento, CA 95814

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

FILED

NOV 14 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY

DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Brandon Eugene Hunter

(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO.

2:22cv 2048 CKD(PC)

(To be supplied by the Clerk)

(1) Bungay

(Full Name of Defendant)

(2) Miranda

(3) McGuire

(4) Sacramento County

Defendant(s).

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

"Jury Trial Demanded"

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

☐ Check if there are additional Defendants and attach page J-A listing them.

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: Sacramento County Main Jail

B. DEFENDANTS

1. Name of first Defendant: Bungay #1001. The first Defendant is employed as:
Deputy Sheriff at Sacramento Main Jail
(Position and Title) (Institution)
2. Name of second Defendant: Miranda #1221. The second Defendant is employed as:
Deputy Sheriff at Sacramento Main Jail
(Position and Title) (Institution)
3. Name of third Defendant: McGuire #616. The third Defendant is employed as:
Deputy Sheriff at Sacramento Main Jail
(Position and Title) (Institution)
4. Name of fourth Defendant: Sacramento County. The fourth Defendant is employed as:
Municipal entity at Sacramento Main Jail
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 5. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: Brandon Eugene Hunter v. Sacramento County et al
 2. Court and case number: 2:22-CV-01520-JDP
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) still pending
 - b. Second prior lawsuit:
 1. Parties: Brandon Eugene Hunter v. Sacramento County et al
 2. Court and case number: 2:22-CV-1282-EFB(PC)
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) still pending
 - c. Third prior lawsuit:
 1. Parties: Hunter v. Jackowitz et al
 2. Court and case number: 2:22-CV-01281-DB
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) still pending

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

1 D.)

2 1.) Brandon Eugene Hunter v. Brenneman et al

3 2.) 2:22-CV-01141-KJM-CKD

4 3.) Still pending

5 E.)

6 1.) Brandon Eugene Hunter v. Richard Acosta et al

7 2.) 2:22-CV-02465-CAS (MAA)

8 3.) Still pending

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: Cruel and unusual punishment, Violation of Due process rights.

2. Claim I. Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

1.) On 10/20/22 deputies Bungay, Miranda, and McGuire, negligently opened or purposely/maliciously unlocked Plaintiff's cell door, without a deputy present at Plaintiff's cell and allowed (2) inmates to enter Plaintiff's cell and attack Plaintiff. Plaintiff was punched repeatedly and choked by both inmates, and Plaintiff received multiple injuries. Plaintiff has previously voiced concerns about safety and is assigned a single cell for that reason, and is normally housed in a secure pod without interactions with other inmates. However Plaintiff was temporarily housed in a unsecured pod which allowed these (2) inmates to enter Plaintiff's cell unsupervised.

2.) Deputy Bungay later falsified an incident report claiming the (2) inmates were there to provide plaintiff with toilet paper and plunge plaintiff's toilet. However plaintiff toilet did not need plunging, and plaintiff never requested toilet paper. Prior to the inmates entering plaintiff cell they identified themselves

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Mental emotional distress, fear, paranoia, anxiety right eye damage.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

1 as "Blood Gang" members, and both inmates
2 threatened to assault and kill plaintiff. As (1)
3 inmate entered the cell, he set down a bucket
4 threatened plaintiff again and moved toward
5 plaintiff in an aggressive manner. As to the threats
6 from the inmates, there ability to get my locked
7 door opened by the deputies, and movement
8 toward plaintiff, I feared for my life and
9 safety. A fight ensued with (1) of the inmates
10 at which point the other inmate entered
11 plaintiff's cell and began to help assault
12 plaintiff. However in the incident report
13 Bungay claimed plaintiff was the aggressor
14 and denied any responsibility for her negligent
15 actions of allowing (2) inmates into my cell
16 without supervising them, or confirming
17 I need the surviceess of a plunger or
18 toilet paper. Plaintiff hit the emergency
19 button in the cell and stated the (2) inmates
20 were jumping me. However she put in the
21 report, (1) of the other inmates pushed the
22 button. She also claimed (1) of the inmates
23 was restraining me as the deputies arrived
24 at the cell. However plaintiff was in fact
25 being choked.

26 3.) Plaintiff will be subpoenaing body cam worn
27 by deputies, and video footage from inside
28 the pod.

1 4.) Plaintiff believes paragraph (1) and (2) show
2 negligence or malice on the deputies part and
3 so violated Plaintiff's right to due process
4 and amounted to cruel and unusual
5 punishment. Plaintiff is an unsentenced
6 pre trial detainee.

7 5.) Plaintiff believes Deputies broke policy
8 by allowing the inmates to enter Plaintiff's
9 cell without a deputy being present.

10 6.) Plaintiff believes Sacramento County
11 is at fault because its employees broke
12 policy while on duty, or that Sacramento
13 county lacked such a policy to have
14 deputies present, and allowing inmates
15 into other inmates housing location
16 unsupervised.

17 7.) Plaintiff is informing the Courts now
18 I have limited legal knowledge, and is
19 asking the Courts to move forward on
20 any grounds that have merit, rather
21 than have Plaintiff file a First Amended
22 Complaint for any deficiencies in this
23 suite.
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E. REQUEST FOR RELIEF

State the relief you are seeking:

\$30,000,000 jointly and severally against defendants.
Any other relief the courts deem proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/25/22
DATE

B. R. H.
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.